

Amendment dated June 30, 2006  
Reply to Office Action dated April 28, 2006

Application No. 10/045,122

### **REMARKS/ARGUMENTS**

The Final Office Action of April 28, 2006 has been reviewed and the comments therein were carefully considered. Claims 7-14 and 23-44 are currently pending in the present application. Claims 15-22, 45 and 46 are withdrawn. Claims 1-6 are cancelled. Claims 7-14 and 23-25 were rejected under 35 U.S.C. § 112, ¶ 1 as failing to comply with the written description requirement. Claims 26-44 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,628,934 to Pohndorf *et al.* (Pohndorf).

### **Amended Claim**

Claim 26 has been amended to recite "An extension unit for electrically connecting an insulated set of conductors that extends from a distant housing of a implantable pulse generator..., the extension unit comprising: input lines for receiving input signals from the output sources of the distant implantable pulse generator via the set of conductors...." Applicants respectfully submit that such a meaning was inherent in the claims are previously filed, thus no new matter has been added. Furthermore, additional support is at least found in Figure 2 and the description provided in pg. 4-5, ¶ 16 of the specification as filed. As the Office Action has already considered such an amendment by suggested that reciting the housing would not be sufficient, no additional search appears necessary and Applicants respectfully request entry of the above amendment so as to clarify any issues that may need to be resolved on appeal.

### **Rejection under 35 USC §112**

Claims 7-14 and 23-25 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action suggested that a reference to a switch that could simultaneously trigger a plurality of electrodes was not found in the application as filed. Applicants note that the summary discloses that each programmable switch is connected to at least a portion of the electrodes. (Specification as filed, ¶ 10, pg. 3). The specification explains that "[i]n operation, several neighboring electrodes can be connected in parallel to have a combine surface area of 6-24 mm<sup>2</sup>." (Specification as filed, ¶ 17, pg. 5). The specification further explains that "[s]witches 310-312 can be configured to transmit the signals they receive to any three of output lines 314-319." (Specification as filed, ¶ 24, pg. 7). As three electrodes may be considered a plurality of electrodes, and the specification explains the

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electrodes may be connected in parallel, Applicants respectfully submit that person of ordinary skill would appreciate that the switches may simultaneously trigger a plurality of electrodes. Indeed, Applicants respectfully submit that it would be difficult to not simultaneously trigger a plurality of electrodes connected in parallel. Therefore, a person of ordinary skill in the art would understand that the specification disclosed and described the concept of simultaneously triggering a plurality of electrodes and Applicants were in possession of such a concept.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

**Rejection under 35 USC §102 – Pohndorf**

Claims 26-44 are rejected under 35 USC §102(b) as being anticipated by Pohndorf.

Independent claim 26 now recites “An extension unit for electrically connecting a set of conductors that extends from a distant housing of an implantable pulse generator..., the extension unit comprising: input lines for receiving input signals from the output sources of the distant implantable pulse generator via the set of conductors...” While not agreeing with the Office Action’s rejection of claim 26, to expedite prosecution in view of what Applicants feel is an unreasonable claim construction, claim 26 has been amended to clarify what the extension unit is distant from.

Plainly, Pohndorf fails to disclose “an extension unit for electrically connecting a set of conductors that extends from a distant housing of an implantable pulse generator....” Indeed, even under the Office Action’s strained definition of distant there is no space between the housing of the pacer and the pacer neck because the pacer neck is considered part of the pacer housing and therefore must be touching the pacer housing. Therefore, Pohndorf fails to disclose all the features of claim 26. Accordingly, as Pohndorf fails to disclose all the features of claim 26, Pohndorf cannot be said to anticipate claim 26.

Claims 27-39 depend from independent claim 26 and are not anticipated for at least the reasons claim 26 is not anticipated and for the additional limitations recited therein.

Claims 40-44 include the extension unit of claim 26 and therefore are not anticipated for at least the reasons that claim 26 is not anticipated and for the additional limitations recited therein.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

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**CONCLUSION**

In sum, Applicant respectfully requests consideration of the pending claims and a finding of their allowability. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,

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